REMARKS

Claims 23-28 are pending. Claims 1, 3-8, 11, 12, 15-17, 20 and 22 have been canceled. Claims 23-28 have been newly added. No new matter has been presented.

Support for new claims 23-28 can be found in the specification at paragraphs [0044]-[0065].

All outstanding objections and rejections are moot in view of the foregoing claim amendments.

Claim 23 recites "a controller for cutting out image data corresponding to the registered image data and retrieving a desired image data containing image data which is identical or analogous to the image data cut out from the database." Kinjo, the sole reference cited in the prior art rejection of the previous claims, fails to disclose or suggest this feature.

Kinjo discloses extracting "predetermined specific geometric figures" from the original image (col. 10, lines 45-49). This can be seen in Fig. 2, where a triangle is extracted for the mountain, two circles are extracted for the person and a rectangle is extracted for the building. The extracted figures in Kinjo do not correspond to image data cut out of the registered (original) image data. The image data cut out according to claim 1 corresponds to actual image data, not geometric shapes that match the original image data. Kinjo fails to teach or suggest cutting out actual image data from the image. Thus, Kinjo fails to teach or suggest the features of claim 23.

Claim 24 recites that "the image corresponding to the image area is an image of a face of a person." Kinjo fails to teach or suggest this feature as well. At best, Kinjo would extract a circle which corresponded to the face of a person, but Kinjo fails to teach or suggest cutting out the image of a face of a person from the image data. The actual face is cut out according to claim 24, not a shape which is similar to the shape of a face. For at least this reason, Kinjo fails to teach or suggest the features of claim 24.

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Claim 25 recites "a controller for analyzing a pixel located in a vicinity of the point designated by the pointing device and cutting out the object image data as a retrieval key image based on the result of the analyzing and retrieving a desired image data containing the object image identical or analogous to the database by comparing said retrieval key image cut out to at least one other image." Like claim 23, claim 25 recites cutting out object image data, which is not disclosed or suggested by Kinjo. Kinjo may extract a shape of the image data, but does not cut out the actual image data. Thus, for the reasons set forth above, Kinjo fails to teach or suggest the features of claim 25.

Claim 26 is allowable at least due to its dependency and in light of the remarks set forth above in connection with claim 24. Claims 27 is allowable because it is a method claim which recites substantially the same features recited in claim 24. Claim 28 is a computer-readable medium claim which recites substantially the same features recited in claim 24, and is therefore allowable for the same reasons claim 24 is allowable.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 245402004000.

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Respectfully submitted,

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